David J. Gunkel. *Person, Thing, Robot: A Moral and Legal Ontology for the 21st Century and Beyond*. MIT Press 2023. 231 pp. $45.00 USD (Paperback 9780262546157).

Gunkel's newest work continues his ongoing project of books on rights and robots. He now takes on the ornery matter of what kind of beings we are concerned with. Are they—or can they be—persons and due the same treatment as other person-types, especially humans? Or are they, as often asserted, mere things, deserving no more of our care than does a toaster? Gunkel first details the many sides for and against automata-as-things vs. as-persons. In the end, he offers a sketch of a middle, Levinasian approach that all participants in the debate may find useful or that serves at the least a as stumper, stirring up new thoughts and angles.

Some versions of the mythical automaton date back to ancient days, such as the giant Greek mythical figure Talus. Only after the 18th century Scientific Revolution did the practicality of constructing such a being become feasible. Scientific and technological advances of the past century have emboldened inventors to set out expressly to build automata for various purposes. After all, blind nature through evolution shaped such creatures like *T. Rex* and *H. Sapiens*. It seems that humans, aided by elaborate and widely available techniques, should be able to guide a new type and manner of creation. They could undertake what is surely another mechanical project: making a being as sophisticated as themselves.

However, the other side of the coin reveals a growing concern about such beings' freedoms and rights. Say such an entity, even if conscious, sentient and benign, deviates from its intended purpose, as depicted in science-fiction scenarios. It may eventually neglect any general call for ethics among subjects—inventors—for whom ethics is sorely needed. After all, if the automaton is truly to resemble (and perhaps eventually 'bypass' by some arbitrary criteria) human beings, such goal would require the being to develop a will. Having a true will may lead to a will beyond the intentions of parties who have created the being. Ethics involved in dealing with this entity could itself lead to discourse beyond the world's and our species' capacities. It could leave fatal rips in the human world. Or so the fear arises and mounts: We may be defenceless in the face of our creation. One shoot in this increasingly burgeoning, branching tree of life is that of rights that it may warrant. At the least, according to its characteristics, there may be calls for appropriate treatment by others, notably humans, who also have recognized rights. Here arises perhaps the root difficulty at hand: There may be different kinds of rights that may or may not pertain to automata and their varieties. Similarly, have we seen other kinds of entities described as meriting some kinds of 'rights,' such as historical treasures, oceans, or many sorts of lifeforms (trees, whales). Furthermore, what are rights anyway? How and where do you '*hold* rights'? Gunkel can hardly digress to these long-discussed basic concerns, whose centrality he acknowledges, asserting how further exploration therein can help maintain the conversation on an appropriate track.

Central to his overall argument is the observation that the debaters at the automata rights table fall into two camps: the 'critics' and the 'advocates.' For the most part, this division is not arbitrary on his part but seem to be a genuine, almost natural, separation at work here. One group, the critics, maintain that robots are like any other machine: mere things, they can be bought or sold (as can

slaves), made to carry out some specified goal, and in the process, we can ensure that we are not doing them injustice or committing other ethical offence. The advocates also hold that we are unsure these human-created beings, including automata and other AI-type entities, have human-like, or very similar, experience. However, we should then assume they are some sort of person and focus on the possibility they are. Furthermore, these entities may develop a sort of experience of their own (say as bats do) therefore warranting rights or rights-like protections. These advocates deserve their label because their central concern is on the moral repercussions and attentions of such beings.

The book spends a good half or more duly placing the problem into the fuller philosophical context. Gunkel emphasises that his program here is not to take up one side or the other but to point up what he finds is the misguided outlook of these two camps. The main problem for both critics and advocates is that they are, in their different ways, too obsessed with the ontologies of the automata. Such a focus, while it is not entirely useless in taxonomy, assumes that an ontology can tell us all we need to know about an entity. The notion seems to be, 'if we can only pinpoint just what is going on in this being, we can decide whether it has rights and what kind.' Is it sentient and conscious? Then it may warrant at least rights ascribed to apes or cetaceans. If it is not sentient, critics may aver it is only a thing that certainly may serve as slave. (Some observers have remarked that even sentience and consciousness are insufficient to rule out slavery, and these qualities may even merit their being constructed and programmed to be slaves.) Gunkel spends six of the seven chapters on the problems that both critics and advocates share and anticipates our attaining a wholly new perspective on the matter by the final, seventh chapter.

Besides the overreliance on ontologies among the critic/advocate and the notion of thing vs. person, Gunkel finds several other drawbacks to the debate's two sides. The question of just what rights consist in is crucial in deciding just what kinds of rights will be assigned. The idea dating back centuries was that rights just come naturally to humans, being essential for their societies, so-called 'natural rights.' But due to how these supposedly merely arise: they need enforcement. The idea of legal rights grew in the 16th and 17th centuries, with the idea that rights are enforceable via policy and law, hence legal rights vs moral rights, propounded notably by Hohfeld in the 20th century, saying rights are social phenomenon. But the dichotomy of rights does not solve problems of just why accept them. At any event, further dichotomies arise, such as what is a person vs. a thing, and Gunkel finds that these binaries through the ages, while in some ways originally helpful heuristics, become nuisances that confound—positive-negative, right-wrong, rights-wrongs, natural-artificial persons, person-thing, male-female, live-dead. Yet, rights binarism can become a setback by its insisting on standards that lose sight of what is at stake for rights-candidate beings. The Plains Cree, for example, first divide the world into animate and inanimate—but without one being superior to the other, lines between them quite vague. But beyond the Cree and such cultures, binarism per se has run its course and requires finer-grained measures of description and categorization, which approach Gunkel saves for the last chapter.

The book provides a well-researched review, perhaps the most thorough available, of the immense, growing literature. Any student of robots' places in society and its laws should read it—

nay, buy it for reference. It is also a clear, even entertaining (dare I say), lovingly written work. But given attention to a couple of minor points, it could shine. One point concerns Chapter Seven's response to the critic-vs-advocate discussion throughout One through Six. Those six are so excited and learned, the pitch rises high with the expectations that Chapter Seven's Derridian and Levinasian calls for deconstruction of the dichotomies is a slight letdown. It should have been, one feels, as thorough as One through Six. But Seven comes off as a sketch wanting broadening. Perhaps that response is simply in the nature of deconstructionism. Hence, giving *too* specific an idea of how the reader is to proceed would undermine the deconstructionist program for hints as opposed to dogma.

Perhaps the 'critic' side to robot rights inherently falls short of cogency. But its arguments pale compared with those for the advocate side. It is hard to concede that the former side's literature is simply weaker, and that this reviewer has simply not caught any bias. But the book's noble goal of presenting these two sides fairly leads to this mild letdown.

Another concern is that, given that a major theme is that of the shortcomings, nigh dangers, of binary thinking, the book itself depends entirely upon a binarism—critic-vs.-advocate. It leads the pack of natural vs. artificial/legal persons, legal vs. moral rights, and thing vs. person itself, even if it is hard to ignore these as the argument unfolds.

Finally, the book could use more (human-only?) responsibility for what species members build. These builders appear "will-less." (So would the entire species apparently be!) A peculiar. unaccountability takes hold of 'us' in our helplessness. 'We are in the middle of a robot invasion …. It happens—and already happening—in the form of a slow and steady incursion …' (159) This presumed human passivity can render the whole tech project inscrutable and pointless. Few want that.

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